



PEMSEA RESOURCE FACILITY

Sexual Harassment Policy Guidelines

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PRF Sexual Harassment Policy Guidelines

1. Policy Statement

- 1.1 PEMSEA Resource Facility (PRF) is committed to providing a safe workplace and environment for all its employees, free from discrimination on any ground and from harassment at work including sexual harassment.
- 1.2 PRF will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment.
- 1.3 All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.
- 1.4 This policy is complimented by the Code of Ethics of PEMSEA Personnel; PRF Staff rules and Regulations; and PRF **Environmental and Social Safeguards and Gender Mainstreaming Policies**.

2. Definitions and important points on sexual harassment

- 2.1 Sexual harassment is any unwelcome, unreasonable and offensive conduct (physical, verbal or non-verbal) of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment or engagement, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can also include hostile work environment; and/or conduct that creates an intimidating, hostile or humiliating working environment for the recipient.
- 2.2 Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact including impeding or blocking movement, inappropriate touching of a person or a person's clothing, patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including assault or sexual assault
- The use of job-related threats or rewards to solicit sexual favors
- Stepping in someone's space and privacy; invasion of personal space
- Unwanted gifts or visits

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- Different treatment for men and women
- Gender insensitivity and discrimination
- Power-tripping, imposing power maliciously over others, taking advantage and taking advantage of opposite genders' weakness.
- When the other party is not comfortable with the action;
- Actions that make others embarrassed/ashamed

Verbal conduct

- Comments on a worker's appearance, clothing, personal behavior, age, private life, etc.
- Sexual comments, stories and jokes (sexual/'green' jokes)
- Sexual innuendos
- Sending sexually explicit messages (by phone or short messaging services (SMS/texting) or by email
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy (repeatedly asking a person out)
- Requesting sexual favors
- Unwanted flirting, telling rumors about a person's personal or sexual life
- Threatening a person
- Insults based on the sex of the worker or sexist comments: gender-based generalization/stereotyping (example: "You are weak because you're a girl")
- Body-shaming; unwelcome remarks about person's body or physical appearance
- Condescending or paternalistic remarks
- Harassment does not have to be sexual in nature and can include offensive remarks about a person's sex, sexual orientation, gender identity or pregnancy

Non-verbal conduct

- Display of sexually explicit or suggestive material (visual: e.g., posters, drawings, pictures, screensavers)
- Derogatory gestures, sexually-suggestive gestures, facial expressions of a sexual nature
- Whistling
- Leering
- Stalking
- Inappropriate staring, looking up and down a person's body

Note: the list above is not exhaustive and that sexual harassment can include any conduct of a sexual nature which is unwanted and unwelcomed by the recipient.

- 2.3 Anyone can be a victim of sexual harassment (PRF employees, clients, customers, stakeholders, casual workers, contractors or visitors and other people that interacts with PRF and its programme or projects), regardless of their sex and of the sex of the harasser. Victims: may be men, women, persons of diverse sexual orientation, gender

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identity, gender expression and sex characteristics (SOGIESC). Victims do not have to be of the opposite sex, PRF recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcomed by the person against whom the conduct is directed. Men can also be harassed by other male co-workers; knowing boundaries between brotherly relations and harassment is important (the key word is 'unwanted'). The victim does not have to be the person directly involved but could be anyone affected by the offensive conduct. Victims from specific groups may face sexual harassment in particular ways due to factors that can exacerbate the risk of violence and harassment

- 2.4 PRF recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager and employee. It is often based on the abuse of power, and is also about reinforcing existing power relations and to express dominance or power. Sexual harassment is done by perpetrators as a method for organizational or social control over someone else; an attempt to keep a victim in their place; and/or attempt to seek peer approval. Traditional gender roles and stereotypes of how men and women should act play a significant part in sexual harassment (and reported cases are usually committed against women and perpetrated by men).
- 2.5 Sexual harassment perpetrators may be colleagues, supervisors, subordinates, third parties; men and women, person of diverse SOGIESC. Anyone, including PRF employees, clients, customers, casual workers, contractors or visitors who sexually harasses another will be reprimanded in accordance with this policy. PRF shall ensure that agreements between PRF and contractors include provisions on the observance of this sexual harassment policy guidelines.
- 2.6 Sexual harassment can happen at all sites, locations, spaces where work is undertaken by an employee within or outside the premises of the usual place of business. All sexual harassment is prohibited whether it takes place within the PRF premises or outside, including at social events, business trips, training sessions or conferences organized/sponsored by the PRF.
- 2.7 As consequences, sexual harassment results in an unsafe and hostile work environment; a persistent and normalized nature of SH can lead to personal suffering, damage to reputation, loss of dignity and self-esteem on the part of the victims, and may face victim-blaming from family, friends and peers. It can lead to serious health consequences and substantial economic costs and affects the functioning of work environments.
- 2.8 Impacts of sexual harassment: undermines equality at work; weakening the base on which relationships are built, impairing productivity; may result in large monetary costs in terms of medical care and counselling, lost productivity, case settlement and judicial monetary awards. It may also lead to significant reputation costs for employers and significant health, economic and career costs for victims. It may exacerbate existing gender gaps in the world of work (including pay gap and gap in participation of women in the labor force). It also contributes to the unequal status of women in the world of work and in societies around the world.

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- 2.9 Preventing and responding to sexual harassment in the workplace includes:
- Letting the harasser/perpetrator know that his/her conduct is unwanted
 - Buddy system or stay in groups to decrease opportunities of the harasser
 - Document occurrences: keep messages, letters, or proof of harassment
 - Confide in someone you trust or tell a trusted authority
 - For everyone in the organization, regardless of rank, to call out known cases of harassment to prevent escalation

3 Complaints procedures

3.1 Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. PRF recognizes that sexual harassment may occur in unequal relationships (i.e., between a manager and the employee) and that it may not be possible for the victim to inform the alleged harasser.

3.2 If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment (Administration-Human Resources-Personnel Management).

When a designated person receives a complaint of sexual harassment, he/she will:

- immediately record the dates, times and facts of the incident(s)
- ascertain the views of the victim as to what outcome he/she wants
- ensure that the victim understands the PRF's procedures for dealing with the complaint
- discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that they can lodge the complaint outside of the PRF through the relevant country/legal framework

3.3 Throughout the complaints process, a victim is entitled to legal/psychological treatment to be facilitated by PRF (DENR Gender and Development (GAD) or National Commission on Women or Center for Family Ministers, Foundation Inc). PRF will facilitate access to counsellor(s) with special training to enable them to assist victims of sexual harassment. PRF recognizes that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. PRF understands the need to support victims in making complaints.

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4 Informal complaints mechanism

- 4.1 If the victim wishes to deal with the matter informally, the designated person will:
- give an opportunity to the alleged harasser to respond to the complaint
 - ensure that the alleged harasser understands the complaints mechanism
 - facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the PRF to resolve the matter
 - ensure that a confidential record is kept of what happens
 - follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped
 - ensure that the above is done speedily and within 10 working days of the complaint being made

5 Formal complaints mechanism

- 5.1 If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.
- 5.2 The designated person who initially received the complaint (Administration-Human Resources-Personnel Management and/or the Project Manager/Unit Head) will refer the matter to the Executive Director to instigate a formal investigation. The Executive Director may deal with the matter him/herself, refer the matter to an internal or external investigator or refer it to a the PRF Ethics Committee in accordance with this policy and/or the PRF Code of Ethics.

The person carrying out the investigation will:

- interview the victim and the alleged harasser separately
- interview other relevant third parties separately
- decide whether or not the incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings and any recommendations
- if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- follow up to ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome
- if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
- keep a record of all actions taken
- ensure that the all records concerning the matter are kept confidential
- ensure that the process is done as quickly as possible and in any event within 15 working days of the complaint being made

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6 Outside complaints mechanisms

- 6.1 A person who has been subject to sexual harassment can also make a complaint outside of the PRF. They can do so through the Philippine (since the PRF is located in the Philippines) legal framework – i.e. employment tribunal, ombudsperson or regional court and other legal venues.

7 Sanctions and disciplinary measures

- 7.1 Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:
- verbal or written warning
 - adverse performance evaluation
 - reduction in wages
 - transfer
 - demotion
 - suspension
 - dismissal
- 7.2 The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

8 Implementation of this policy

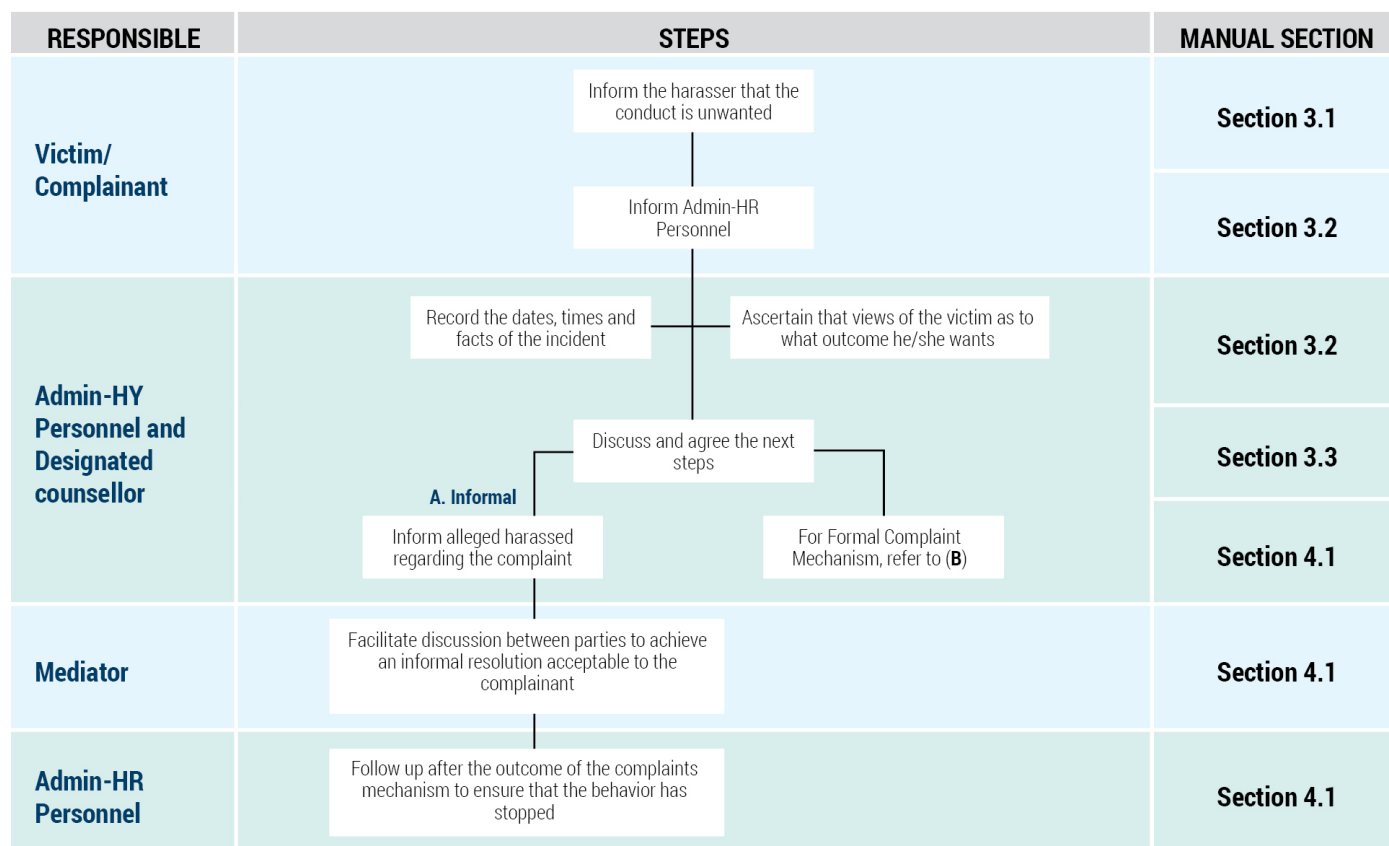
- 8.1 PRF will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook. All employees must be trained on the content of this policy as part of their induction into the PRF organization.
- 8.2 It is the responsibility of every manager to ensure that all his/her employees are aware of the policy. The PRF will organize and require all employees to attend a training course on the content of this policy and areas related to sexual harassment and sexual exploitation and abuse, every two years.
- 8.3 It is the responsibility of concerned manager to screen the PRF personnel (responsibility Administration-Human Resources-Personnel Management and Recruitment), and/or partners they engage with (responsibility of Project Managers/ Heads of Units), for previous involvement or alleged involvement in sexual harassment and sexual exploitation and abuse.

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9 Monitoring and evaluation

- 9.1 PRF recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.
- 9.2 Managers and those responsible for dealing with sexual harassment cases (Administration-Human Resources-Personnel Management) will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the PRF will evaluate the effectiveness of this policy and make any changes needed.

10 Process Flowchart



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RESPONSIBLE	STEPS	MANUAL SECTION
Admin-HR Personnel	B. Formal	Section 5.1
	Refer to the Executive Director	Section 5.2
Executive Director	Facilitate Conduct of Investigation Convene Committee on Discipline/Ethics Committee	Section 5.2
Committee on Discipline/Ethics Committee	Conduct of investigation and interview of parties	Section 5.2
Committee on Discipline/Ethics Committee	Decide appropriate remedy for the victim and action from the harasser	Section 5.2
Admin-HR Personnel	From Process A → Give appropriate sanction to the harasser	Section 4.1
		Section 5.2
Admin-HR Personnel	Ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome	Section 4.1
	Keep records	Section 5.2